

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BERNADET GUEVARRA,

Plaintiff,

v.

SETON MEDICAL CENTER; CALIFORNIA  
UNEMPLOYMENT INSURANCE APPEALS  
BOARD; and ROBERT DRESSER,

Defendants.

No. C 13-2267 CW

ORDER ADDRESSING  
PROOF OF SERVICE  
OF DEFENDANT SETON  
MEDICAL CENTER AND  
VACATING THE  
SEPTEMBER 12, 2013  
HEARING

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On May 17, 2013, Plaintiff Bernadet Guevarra filed a complaint against Defendants Seton Medical Center, California Unemployment Insurance Appeals Board (CUIAB) and Robert Dresser. Docket No. 1. Dresser and CUIAB have appeared, filed a motion to dismiss Plaintiff's complaint and noticed the motion for hearing on Thursday, September 12, 2013. Docket No. 14. However, it appears from the docket that Plaintiff has not yet served Seton Medical Center. Plaintiff has not filed proof of service upon this Defendant and a summons has not been issued a summons for it. See Docket No. 2 (summons addressed to Dresser and CUIAB only). Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff is required to serve Seton Medical Center within 120 days of May 17, 2013, or by Monday, September 16, 2013.

By September 16, 2013, Plaintiff must file either proof of service upon Seton Medical Center or a motion to extend time for service. If Plaintiff files a motion to extend time for service, she shall provide good cause to explain her failure to serve this Defendant within 120 days after the complaint was filed.

1 Plaintiff is warned that, if she fails to comply with the terms of  
2 this Order, her claims against this Defendant will be dismissed  
3 for failure to prosecute.

4 The Court vacates the September 12, 2013 hearing on Dresser  
5 and CUIAB's motion to dismiss. The motion hearing will be reset,  
6 if necessary, after Seton Medical Center has been served or  
7 dismissed. The briefing schedule on the motion to dismiss is  
8 maintained.

9 IT IS SO ORDERED.

10  
11 Dated: 8/15/2013

  
CLAUDIA WILKEN  
United States District Judge

United States District Court  
For the Northern District of California